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EXAMINER

DALENCOURT, Y

ART UNIT PAPER NUMBER

2735

5

DATE MAILED: 01/21/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/863,037

Applicant(s)

Bernard A. Weinstein

Examiner

Yves Dalencourt

Group Art Unit

2735

☒ Responsive to communication(s) filed on Nov 2, 1998

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-17 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-17 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Response to Amendment

This action is responsive to communication filed on 11/02/1998.

The examiner has acknowledged the amended claims 1, 5, 11, and 15.

Drawings

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Response to Arguments

2. Applicant's arguments filed on 11/02/1998 have been fully considered but they are not persuasive.

Applicant argues, Kosaka et al does not disclose or suggest that the user computer can be used for specifying a market condition to be monitored and a corresponding client ID or that the host computer can be used for receiving and storing the specified market condition and corresponding client ID(page 7, lines 4 - 7). Examiner maintains that Kosaka et al suggests a system where the the user computer can be used for specifying a market condition to be monitored and a corresponding client ID or that the host computer can be used for receiving and

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storing the specified market condition (col. 2, lines 7 - 13 & col. 7, lines 55 - 68). Applicant also argues that Higgins fails to disclose or suggest a user computer for specifying a market condition to be monitored and a corresponding client ID (page 8, lines 8 - 11). However, the examiner did not rely on Higgins regarding the limitation of a user computer for specifying a market condition to be monitored and a corresponding client ID. The examiner used Higgins mainly for the limitation of an electronic source of updated market data.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 - 2, 4 - 6, 8 - 12, and 14 - 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kosaka et al (US 5267148; hereinafter Kosaka) in view of Higgins (US 5270922; hereinafter Higgins).

5. Regarding claims 1, 8, 11, and 15, Kosaka teaches a computer aided real-time decision support system and method which comprises a user computer for specifying a market condition to be monitored and a corresponding client ID (51, figure 1); a host computer system for receiving and storing a plurality of the market conditions specified for monitoring and the corresponding

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client IDs (50, figure 1; col 3, lines 40 - 55); said host computer system, upon receipt of the specified market condition to be monitored and the corresponding client ID, generating and transmitting confirmation data for receipt by said user computer (col. 9, lines 25 - 27); and a transmitter responsive to said signal for transmitting notification of the specified market condition (col. 10, lines 34 - 43). Claim 5 adds the limitation of a telecommunication link between said user computer and said host computer system (55, figure 10; col. 7, lines 19 - 23). Claims 11 and 16 add the limitation of a user computer for specifying a market condition to be monitored and a corresponding client ID (col. 10, lines 1 - 2).

6. Moreover, Kosaka et al fails to specifically teach an electronic source of updated market data; and a monitoring program executable on said host computer system for comparing each of the specified market conditions stored on said host computer system and said source of updated market data to determine if a specified market condition is found in said source of updated market data, said monitoring program generating a signal if a specified market condition is found to exist, the signal indicative of the found specified market condition and the corresponding client ID stored on said host computer system.

7. However, Higgins teaches, in an art related field of market data notification, a system for distributing, processing and displaying financial information which comprises an electronic source of updated market data (figure 4; col. 8, lines 16 - 24); and a monitoring program executable on said host computer system for comparing each of the specified market conditions stored on said

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host computer system and said source of updated market data to determine if a specified market condition is found in said source of updated market data, said monitoring program generating a signal if a specified market condition is found to exist the signal indicative of the found specified market condition and the corresponding client ID stored on said host computer system (figure 4; col. 8, lines 38 - 63) for the purpose of providing apparatus and methodology to communicate and display information useful for securities brokers, investors, and others concerned with financial markets.

8. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included an electronic source of updated market data; and a monitoring program executable on said host computer system for comparing each of the specified market conditions stored on said host computer system and said source of updated market data to determine if a specified market condition is found in said source of updated market data, said monitoring program generating a signal if a specified market condition is found to exist the signal indicative of the found specified market condition and the corresponding client ID stored on said host computer system in Kosaka et al's system as evidenced by Higgins because Kosaka et al suggests a program which is used for receiving a communication request by another work station and updating the contents of the communication state management and Higgins teaches and electronic source of updated market data and a monitoring program executable on said host

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computer for the purpose of providing apparatus and methodology to communicate and display information useful for securities brokers, investors, and others concerned with financial markets.

9. Regarding claims 2, 6, 12, and 17, Kosaka et al and Higgins teach all the limitations, and Higgins further teaches a program executable on said user computer for providing share price momentum as market condition to be monitored (col. 8, lines 38 - 43).

Regarding claims 4 and 9, Kosaka et al and Higgins teach all the limitations, and Kosaka further teaches a computer aided real-time decision support system and method wherein said user computer is a financial representative's computer (col. 9, lines 59 - 68).

Regarding claims 10 and 14, Kosaka et al and Higgins teach all the limitations, and Kosaka further teaches a computer aided real-time decision support system and method wherein said user computer includes a communication server (40 or 41, figure 5; col. 4, lines 9 - 52).

10. Claims 3, 7, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kosaka et al (US 5267148; hereinafter Kosaka) and Higgins (US 5270922; hereinafter Higgins) as applied to claim 1, above, and further in view of Vanden Heuvel et al (US 5281962; hereinafter Vanden Heuvel).

Regarding claims 3, 7, and 13 Kosaka et al and Higgins teach all the limitations but fail to specifically teach a system wherein said user computer specifies the market condition to be monitored in electronic mail format.

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However, Vanden Huevel et al teaches, in an art related field of providing information to users, a reliable information service message delivery system wherein said user computer specifies the market condition to be monitored in electronic mail format (col. 3, lines 24 - 38) for the purpose of reliably delivering information service messages to communication receiver in a communication system.

Thus, it would have been obvious to one of ordinary skill in the art to have used a system wherein said user computer specifies the market condition to be monitored in electronic mail format in Kosaka et al and Higgins's system as taught by Vanden Huevel for the purpose of reliably delivering information service messages to communication receiver in a communication system.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (703) 308-8547. The examiner can normally be reached on Monday through Thursday from 7:30AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on (703) 305-4704. The fax phone number for this Group is (703) 308-6743.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-8576.

Yves Dalencourt

Y.D.
January 14, 1999

Brian Zimmerman
BRIAN ZIMMERMAN
PRIMARY EXAMINER